

CHARTER
OF THE
Town of Rising Sun

CECIL COUNTY, MARYLAND

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RISING SUN

Section C-1. Incorporated; general powers.

(a) This is the municipal corporation charter of the Town of Rising Sun, the corporate name of which is The Commissioners of Rising Sun.

(b) The citizens of the Town of Rising Sun are a body politic, by the name of "The Town of Rising Sun," with all the privileges of a body corporate, and as such shall have succession, and by their corporate name may sue, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and have and use a common seal, which they may change at pleasure.

Section C-2. Definitions.

The terms "town", "city", "village", "municipality" or "municipal corporation" in this charter shall be construed as synonymous.

Words importing the masculine gender shall include the feminine and neuter.

The terms "council", "town council", "Board of Commissioners", "Mayor and Commissioners" shall be construed as synonymous.

Section C-3. Description of corporate boundaries. (See Note (1))

The corporate limits of said Town shall be filed at all times with the Town Hall of Rising Sun and with such other State and County departments or agencies as required by law.

Section C-4. Voter qualifications and registration.

(a) Every person who is (1) a citizen of the United States, (2) at least eighteen years of age, (3) a bona fide resident of the town for at least thirty days preceding any election at which he shall offer to vote or who, in the absence of such residency, shall own a fee simple interest in real estate within the town is eligible to register to vote in town elections. Voter registration books are open continuously during normal business hours, except as listed below. Qualified persons may register to vote at Town Hall during normal business hours. Voter registration books will be closed thirty (30) days prior to any town election and will reopen immediately following any town election.

(b) Every registered voter of the town and every qualified resident who is a registered voter in the county is entitled to vote at all town elections.

(c) Provisions will be made for casting votes by absentee ballots. All absentee ballots must be received by the town clerk no later than 4:30 p.m. on the day of the election. (Res. 92-1, 4-29-92.)

Section C-5. Mayor and Board of Commissioners; qualifications, nominations, election and term of office.

All legislative powers of the town are vested in a council consisting of the Mayor and four (4) Commissioners who shall be elected as hereinafter provided.

(a) *Qualifications.* The Mayor and four commissioners, shall be citizens of the United States, at least twenty-five (25) years of age at the time of their election to office, qualified voters of the town and bona fide residents of said town for at least one year preceding the date of their election and shall be free of any record of criminal violations other than minor traffic violations and other such minor misdemeanors punishable by fine only.

(b) *Nomination.* Any citizen of the town, being otherwise qualified as indicated herein, desiring to be a candidate for the office of Mayor or for the office of Commissioner, may by letter addressed to the Commissioners of the Town of Rising Sun express their intention to be a candidate for a specified office and request that their name be placed on the official ballot at the next election. All written nominations or letters of intent must be in the hands of the secretary to the Commissioners by 4:30 p.m. on the day of the annual meeting. Or any duly qualified citizen of the town may be nominated for either of the said offices from the floor at the annual town meeting to be held on the last Tuesday in May of each year. Should a citizen holding the office of Commissioner decide to become a candidate for the office of Mayor, they must resign their position as Commissioner prior to becoming a candidate for Mayor.

(c) *Election and term of office.* The members of the Board of Commissioners shall be elected to serve two year terms with the elections staggered so that approximately one-half of the board is elected every two years. All members of the board shall serve until their successors are duly sworn in. On the second Monday in June in 1994, the voters of the town shall elect two Commissioners each of whom shall serve for a term of three years and every two years thereafter. On the second Monday in June in 1996, and every two years hence, the voters of the town shall elect a Mayor and two Commissioners who shall serve for a term of two years. (Res. 93-1, 3-31-93.)

Section C-6. Appointment of election judge; hours polls to be open; counting ballots.

The Commissioners shall bi-annually appoint a registered voter in the Town to act as judge of the election, who shall open the polls at 8:00 a.m. and close the same at 8:00 p.m. Following the counting of the ballots, the persons who shall have the majority of votes shall be declared elected Commissioners and/or Mayor for the ensuing term. All ballots used in any town election shall be preserved for at least six months from the date of the election.

Section C-7. Procedure in case of tie votes.

If at any election for Commissioners it shall appear by the certificate of the judge of said election that any two (2) or more persons voted for as Commissioners have received the same number of votes, so that sufficient persons have not been elected to make a full board (4

members) but a vacancy in one (1) or more seats, exists; so long as there shall be as many as three (3) duly elected, the persons so elected, having qualified as Commissioners, shall assemble immediately and shall proclaim a new election to supply the vacancy occasioned by the failure to elect, giving at least five (5) days' notice of said election.

If it shall not appear that three (3) of the persons voted for have been duly elected, or if the persons duly elected shall fail to assemble and proclaim a new election within five (5) days, the previous Board of Commissioners, or any three (3) of them, shall assemble and proclaim a new election and give at least five (5) days' notice thereof.

Section C-8. Filling vacancy in office of Commissioner or Mayor/Cause for Removal from Office.

(a) If during the term for which they are elected, any of said Commissioners shall die, resign, move from said Town or for any cause be disqualified or removed from office, the vacancy so created shall be filled by appointment for the remainder of the unexpired term by the Mayor, subject to approval of the majority of the remaining members of the Board of Commissioners. In the event that a vacancy should arise in the office of Mayor, the remaining Commissioners shall elect a new Mayor from among the remaining members of the Board of Commissioners, said election to be approved by a majority of the remaining Commissioners. The vacancy created on the Board of Commissioners by appointment of one [(1)] of the members of the said Board to the office of Mayor shall be filled pursuant to the procedure set forth in this section.

(b) In the event that a Commissioner should desire to become a candidate for Mayor, they must resign their position as Commissioner so that the unexpired portion of their term may be placed on the upcoming ballot.

(c) Upon approval by the majority of the member [members] of the Board of Commissioners, a member may be removed from office for:

(1) Failure to attend three (3) consecutive meetings without prior approval of the Board for just cause;

(2) Malfeasance of office.

All investigations for malfeasance of office shall be conducted by the office of the State's Attorney for Cecil County [County] or his designee. (Res. 93-1, 3-31-93.)

Section C-9. Failure to elect officers.

If the inhabitants of the town at any time neglect to make an election as herein directed, the power of elected commissioners shall not thereupon cease, but shall continue as though such election had been made; and the Mayor and Commissioners for the time being shall remain in office until such annual election shall be held.

Section C-10. Oath of office.

The Mayor and Commissioners and all other officers of the town, before they enter upon the duties of their respective offices, shall severally take the following oath: "I do solemnly swear that I will faithfully execute the office of _____ to the best of my knowledge and ability, without favor, affection or partiality." This oath shall be subscribed or affirmed before the clerk of the circuit court of Cecil County.

Section C-11. Meetings of the Mayor and Commissioners.

The newly elected council shall be sworn in at the first meeting in July following the election. Regular meeting [meetings] will be held twice monthly, dates and times to be set by resolution by the Mayor and Commissioners. All meetings shall be conducted in accordance with Robert's Rules of Order.

Section C-12. Quorum.

A majority of the members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the council.

Section C-13. Powers and duties of Mayor.

The Mayor, in virtue of his office, may call on any officer of the town entrusted with the receipt and expenditure of public money, for a statement of his accounts as often as he shall see proper; he shall see that the ordinances are faithfully executed, and report to the Board of Commissioners, at their stated meetings, the general state of the town, and may call special meetings of the Commissioners whenever he may see proper. The Mayor may take part in all discussions, but he shall have no vote, except in the event of a tie, then the Mayor may cast a tie-breaking vote. The Council shall appoint, from its members, a person to serve as Acting-Mayor who shall serve in the absence of the Mayor.

Section C-14. Clerk-Treasurer; ordinances.

The Mayor and Commissioners shall have power to appoint a Clerk-Treasurer and assign his duties, allowing him such compensation for his services as they shall think proper; and all ordinances passed by said Commissioners shall be entered by the clerk into a book kept for that purpose and shall be at all times open for the inspection of any person interested, and copies of all ordinances shall be available in the Town Office.

Section C-15. Violations and penalties.

(a) *Misdemeanors.* Every act or omission which is made a misdemeanor under the authority of this Charter, unless otherwise provided, shall be punishable upon conviction before the Circuit Court for the county within which the offense is committed by a fine not exceeding one thousand dollars (\$1000.) or imprisonment for ninety (90) days in the county jail, or both, in

the discretion of the court. The party aggrieved shall have the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section C-16. General powers of town.

(1) *General Powers.* The Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this charter as it may deem necessary for the good government of the town; for the protection and preservation of the town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the town.

(2) *Specific Powers.* The Commissioners shall have, in addition to the power to pass ordinances not contrary to the laws and Constitution of this State, the specific purposes provided in the remaining subsections of this section.

(3) *Advertising.* To provide for advertising for the purposes of the town, for printing and publishing statements as to the business of the town.

(4) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(5) *Appropriation.* To appropriate municipal moneys for any purpose within the powers of the Council.

(6) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the town, and to grant building permits for them; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or part when dangerous, or insecure, and to require that such buildings and structures be made safe or be taken down.

(7) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(8) *Codification of ordinances.* To provide for the codification of all ordinances.

(9) *Community services.* To promote community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the town.

(10) *Cooperative activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(11) *Curfew.* To prohibit the youth of the town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(12) *Dangerous improvements.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(13) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(14) *Dogs.* To regulate the keeping of dogs in the town and to provide, wherever the county does not license or tax dogs, for the licensing and taxing of them; to provide for the disposition of homeless dogs and of dogs on which no license fee or taxes are paid.

(15) *Explosives and combustibles.* To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(16) *Filth.* To compel the occupant of any premises, building, or outhouse situated in the town, if it has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes or liens against the property owners.

(17) *Finances.* To levy, assess, and collect ad valorem property taxes, or any other type of tax allowed by law to levy such special assessments as may be required for public improvements; to expend municipal funds for any public purpose; to have general management and control of the finances of the town.

(18) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the town; to inspect or provide for the inspection of buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the violations of town fire-hazard regulations are met; to install and maintain fire hydrants where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(19) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies and any others which may be deemed advantageous and beneficial to the town, subject to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(20) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require trash, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(21) *Grants-in-aid.* To accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeable to the conditions under which the gifts or grants were made.

(22) *Hawkers.* To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the town, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness.

(23) *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber them, or in default thereof to authorize and require the work to be done by the town at the owner's expense, such expense to constitute a lien upon the property collectible as tax moneys.

(24) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the town or to use the county jail for such purpose.

(25) *Licenses.* Subject to any restriction imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(26) *Liens.* To provide that any valid charges, taxes, or assessments made against any real property within the town shall be liens upon the property, to be collected as municipal taxes are collected.

(27) *Lights.* To provide for the lighting of the town.

(28) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, cats, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals.

(29) *Minor privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisement, and display of goods, wares, and merchandise.

(30) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, or sounding of whistles and horns, or other loud and disturbing noises.

(31) *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the town which are so defined by common law, by this Charter, or by the laws of the State of Maryland, whether they be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public health or welfare.

(32) *Obstruction.* To remove all nuisances and obstructions from the streets, lanes, and alleys and from any lots adjoining thereto, or any other places within the limits of the town.

(33) *Parking facilities.* To license and regulate and to establish, obtain by purchase, by lease, or by rent, own, construct, operate, and maintain parking lots and other facilities for off-street parking.

(34) *Parking meters.* To install parking meters on the streets and public places in the town in such places as by ordinance they determine, and by ordinance to prescribe rates and provisions for the use thereof; but the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Administration.

(35) *Parks and recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the town.

(36) *Police force.* To establish, operate and maintain a municipal police force. All town policemen within the municipality shall have the powers and authority of constables in this State and be certified by the Maryland Police Training Commission.

(37) *Police powers.* To prohibit, suppress, and punish within the town all vice, gambling, and games of chance, prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(38) *Property.* To acquire by conveyance, purchase, or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the town and its inhabitants; to convey any real or leasehold property; to control, protect, and maintain public buildings, grounds, and property of the town.

(39) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(40) *Sidewalks.* To regulate the use of sidewalks and all structures in, under, or above them; to require the owner or occupants of premises to keep the sidewalk in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(41) *Sweeping.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or on any public or private property in the town.

(42) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject to the limitations and provisions of said article.

(43) *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several mentioned.

Section C-17. General: sewers, grading, paving and lighting of streets; water.

The Commissioners of Rising Sun may provide for the construction of sewers, grading, paving and lighting the streets, sidewalks and alleys of said town, and also for supplying the inhabitants of said town with water; the regulation of the placing of water mains, sewer lines, fire hydrants and public fountains; for the planting of poles and stringing of wires or the installation of underground wire or cable thereon in any of the streets, lanes and alleys thereof, and to make and enter into contracts and pass ordinances in relation thereto.

(a) *Construction and Maintenance of new streets, etc.*

(1) The County Commissioners shall be relieved from the care of the roads, streets and alleys within the corporate limits of the Town of Rising Sun, and the care of the same shall be transferred to the Mayor and Commissioners of said town, and in consideration of said transfer of all the roads, streets and alleys within the limits of said town shall be kept in good condition and repair by the said Mayor and Commissioners. State roads passing through the Town shall remain the responsibility of the State of Maryland.

(2) The Mayor and Commissioners shall have power to establish the limits and width of streets of said town, and to remove obstructions therefrom, and shall further have the power of condemnation to establish new streets and alleys according to provisions of the constitution and laws of the State of Maryland.

(3) They shall have power to provide for the payment of the damages and expenses of opening, widening, laying out and grading of streets, sidewalks and alleys in said town.

(b) *Construction of water supply and sewerage system.*

(1) They are hereby authorized and empowered to construct and establish a water supply and sewerage system to serve the Town of Rising Sun and its environs; to extend, alter, improve and modify the existing water supply and sewerage systems as from time to time may become necessary or advisable; and to maintain and operate the said water supply and sewerage systems so constituted, established, extended, altered and modified. The Commissioners of Rising Sun are further hereby authorized and empowered to do all work necessary in the establishment, extension, alteration, modification, maintenance and operation of said water supply and sewerage systems, including the appointment and fixing of compensation of and help that may be necessary in the operation of the same.

(2) They are further authorized and empowered, whenever they deem it necessary, to take and acquire any land, structures, buildings, watercourses, water rights or other property, either within or outside the municipality, either in fee or as in easement, for the construction, establishment, extension, alteration, maintenance or operation of any part or appurtenance of said water supply and sewerage system, by purchase of the same from the owner or owners, or upon the failure to agree, by the condemnation of the same by proceedings in the circuit court for Cecil County in accordance with provisions of the Constitution and Code of Public General Laws of Maryland for the condemnation of land by public service corporations and/or municipal corporations.

(3) They are further authorized and empowered to formulate and cause to be put into effect such rules and regulations as they may deem necessary for maintaining and operating said water supply system, and governing the installation and alteration of all water supply and plumbing arrangements on private property served or to be served by said water supply and sewerage system. For every property abutting upon a street or right-of-way in which a water main or sewer line is laid, a water service pipe shall be extended from the water main to the property line and a sewer service pipe shall be extended from the sewer line to the property line by and at the sole expense of the municipality. When any water main is declared by said authorities to be complete and ready for the delivery of water, every abutting property owner, after due notice, shall make connection of all spigots or hydrants and toilets with said water main within such reasonable time as may be prescribed by said authorities. When any sewer line is declared by said authorities to be complete and ready for service, every abutting property owner, after due notice, shall make the proper connection from his property to the same.

(c) *Financing.*

(1) They shall have the power to finance for the aforementioned improvements by levying and assessing the same generally upon the whole of the assessable property of said town, or specifically upon assessable property of persons benefited thereby.

(2) They are further authorized and empowered to borrow in the manner prescribed in the laws of Maryland on either its faith and credit or upon the security of the revenues of sewerage and water supply systems of the town (or both) from any banking or financial institution, state agency or instrumentality, or any agency, department or program of the

United States, a sum or sums of money, to be used for the construction and establishment, extension, alteration, improvement and modification of the existing sewerage system or existing water supply system, or both; or for the construction, or repair of the streets, sidewalks, buildings, stormdrains, parks or other properties or responsibilities of the town, and to evidence such indebtedness by the issuance of its promissory notes, bonds, or other evidence of indebtedness, whichever in the judgment of the said Commissioners of Rising Sun shall best suit their interests and whichever may be acceptable by such banking or financial institution, state agency or instrumentality, or any agency, department or program of the United States from which said sum or sums of money may be borrowed, provided no notes or bonds shall be issued as evidence of such indebtedness which shall mature later than 40 years from their respective date of issue.

In addition to the provisions of Sections 31 through 39 of Article 23A of the Annotated Code of Maryland and any other laws of Maryland, a resolution or ordinance authorizing any borrowing pursuant to Sections 31 through 39 of Article 23A of the Annotated Code of Maryland and any other laws of Maryland may (1) contain a statement of the public purpose upon which the proceeds of said bonds, notes or other evidences of indebtedness are to be expended, (2) prescribe an alternate manner in which to determine and specify the forms and provisions of bonds, notes or other evidences of indebtedness evidencing such borrowing, (3) determine and specify the manner in which such bonds, notes or other evidences of indebtedness shall be sold, including at a public or private (negotiated) sale for a price at, above or below par value, (4) set forth specific provisions for the appropriation and disposal of the proceeds of the bonds, notes or other evidences of indebtedness, the payment of the principal of and interest on such bonds, notes or other evidences of indebtedness, and the source or sources of payment therefor, including, without limitation, any specific revenues of one or more revenue-producing projects of the town or any specific revenues which may be derived [from] the facilities or property financed with the proceeds of the bonds, notes or other evidences of indebtedness, (5) determine and specify any collateral or security for said borrowing, including a mortgage, deed of trust or lien on property or a pledge of specific revenues of one or more revenue-producing projects of the town or the proceeds of the bonds, notes or other evidences of indebtedness, and (6) determine and specify any other matters concerning such borrowing or [of] the bonds, notes or other evidences of indebtedness, all as the Board of Commissioners shall determine to be in the best interests of the town.

(3) For the purpose of paying off said indebtedness occasioned by the cost of construction, extension, alteration or modification of the present water or sewerage system, the Commissioners of Rising Sun are hereby further authorized and empowered to levy annually against all the assessable property within the municipality so served, so long as said indebtedness is outstanding, a tax of sufficient amount to meet the interest as it may become due and such sums on account of principal as the Commissioners of Rising Sun shall be obligated to pay, the said tax to be determined, levied and collected in the same manner as other municipal taxes. Said taxes thus levied shall have the same priority right, bear the same interest and penalties, and in every respect be treated the same as other municipal taxes.

(4) For the purpose of providing funds to pay the principal and interest, in whole or in part, on the indebtedness incurred by the construction, extension, alteration or

modification of said present water supply and sewerage system, in lieu of or in addition to the methods provided in section (3) above and for the purpose of maintaining, repairing and operating the said water supply and sewerage systems, including overhead expense and proper depreciation allowance, the Commissioners of Rising Sun shall have full power and authority to make such service rates as they may deem necessary to charge against all properties served by said water supply and sewerage systems. Service rates shall be subject to change from time to time as said authorities may deem necessary. Said rates shall be payable at such time, and shall be subject to such penalties for nonpayment as said authorities may determine, and they shall be collectible against the owner of the property served, in the same manner as other debts are collectible at law. (Res. 2010-08, 4-13-10.)

Section C-18. Taxes.

(a) The Mayor and Commissioners shall have power to levy and collect taxes in said town based on the assessment established by the State Department of Assessment [Assessments] and Taxation.

(b) The tax rate will be established by the Board of Commissioners by a resolution of that board.

(c) Taxes are due at the beginning of the fiscal year and if unpaid within three (3) months they shall bear interest at a rate established by the Commissioners or their successors.

Section C-19. Transfer of property.

(a) *Transfer on assessment records.* Before any deed for the conveyance of real estate or chattels real within the limits of the Town of Rising Sun shall be received for record by the clerk of the Circuit Court of Cecil County, the person offering said deed for record shall submit the same to the treasurer of the Town of Rising Sun, who shall thereupon make transfer upon the town assessment books of said property to the name of the new owner or owners thereof, and as evidence of said transfer shall stamp the said deed showing said transfer and the payment of all taxes, special assessments, sewer and water connection charges, water rents and any and all liens against the property to be conveyed in said deed and due the said town.

(b) *Taxes to be paid.* No property shall be transferred on said town assessment books and no deed shall be stamped unless and until all taxes, paving assessments, sewer and water connection charges, water rents and any and all other liens against the property to be conveyed in said deed and due the said town have been paid to the said treasurer.

(c) *Penalty for nonpayment.* In addition to the provisions of subsections (a) and (b) of this section, whenever any taxes, assessments, sewer and water connection or service charges or any and all liens against the property to be conveyed shall have gone unpaid for longer than three (3) months beyond their due date, then a penalty shall be added to such debt in an amount or rate determined by the Board of Commissioners by a resolution of that board.

Section C-20. Disorderly conduct.

The Mayor and Commissioners may provide by ordinance for the arrest of any person violating any town ordinance by riotous or disorderly conduct or driving or riding through the streets, and when it shall appear that the offender is intoxicated so as to render it unsafe to permit him to drive through the streets they shall provide for the removal of the vehicle within the limits of the said town, or for the deposit thereof in some place of safety until the offender shall be sober, and may subject the property so taken and deposited to the payment of the costs of the proceedings and of the keeper of said property until the same shall be released according to law.

Section C-21. Appointment of officers generally.

The Mayor and Commissioners may, from time to time and under such conditions as they may by their ordinances direct, appoint such officer or officers as may be deemed necessary to carry into effect their ordinances.

Section C-22. Additional notary public.

An additional notary public shall be appointed by the governor of this state in the manner provided by law for the appointment of notaries public in this state, in and for the said Town of Rising Sun, whose term of office shall begin on the same day as that of other notaries public of Cecil County.

Section C-23. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by the Board of Commissioners. The Mayor and Commissioners may do all things necessary to include its officers and employees or any of them within any retirement system, medical insurance system or other employee benefit system as they deem necessary from time to time.

Section C-24. Separability.

Should any section or part of section of this charter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the charter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

NOTES

(1) Resolution 2006-01, effective April 28, 2006, provides for the annexation of 42.2 acres of land, more or less. Resolution 2006-02, effective January 12, 2007, provides for the annexation of 0.228 acres of land, more or less. Resolution 2006-03, effective March 31, 2006, provides for the annexation of 2.086 acres of land, more or less. These resolutions, however, failed to provide for a change in the boundary description contained in this Charter. Accordingly, these annexations are simply noted pursuant to the municipal general powers sections of this Charter.